

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-301 as follows:

6 (735 ILCS 5/2-301) (from Ch. 110, par. 2-301)

7 Sec. 2-301. Objections to jurisdiction over the person.

8 (a) Prior to the filing of any other pleading or motion
9 other than as set forth in subsection (a-6) ~~a motion for an~~
10 ~~extension of time to answer or otherwise appear~~, a party may
11 object to the court's jurisdiction over the party's person,
12 either on the ground that the party is not amenable to process
13 of a court of this State or on the ground of insufficiency of
14 process or insufficiency of service of process, by filing a
15 motion to dismiss the entire proceeding or any cause of action
16 involved in the proceeding or by filing a motion to quash
17 service of process. Such a motion may be made singly or
18 included with others in a combined motion, but the parts of a
19 combined motion must be identified in the manner described in
20 Section 2-619.1. Unless the facts that constitute the basis for
21 the objection are apparent from papers already on file in the
22 case, the motion must be supported by an affidavit setting
23 forth those facts.

1 (a-5) (Blank). ~~If the objecting party files a responsive~~
2 ~~pleading or a motion (other than a motion for an extension of~~
3 ~~time to answer or otherwise appear) prior to the filing of a~~
4 ~~motion in compliance with subsection (a), that party waives all~~
5 ~~objections to the court's jurisdiction over the party's person.~~

6 (a-6) A party filing any other pleading or motion prior to
7 the filing of a motion objecting to the court's jurisdiction
8 over the party's person as set forth in subsection (a) waives
9 all objections to the court's jurisdiction over the party's
10 person prospectively, unless the initial motion filed is one of
11 the following:

12 (1) A motion for an extension of time to answer or
13 otherwise plead.

14 (2) A motion filed under Section 2-1301, 2-1401, or
15 2-1401.1.

16 Any motion objecting to the court's jurisdiction over the
17 party's person as set forth in subsection (a) shall be filed
18 within 60 days of the court's order disposing of the initial
19 motion filed under Section 2-1301, 2-1401, or 2-1401.1. Nothing
20 in this subsection precludes a party from filing a motion under
21 subsection (a) combined with a motion under Section 2-1301,
22 2-1401, or 2-1401.1. If such a combined motion is filed, any
23 objection to the court's jurisdiction over the party's person
24 is not waived.

25 (b) In disposing of a motion objecting to the court's
26 jurisdiction over the person of the objecting party, the court

1 shall consider all matters apparent from the papers on file in
2 the case, affidavits submitted by any party, and any evidence
3 adduced upon contested issues of fact. The court shall enter an
4 appropriate order sustaining or overruling the objection. No
5 determination of any issue of fact in connection with the
6 objection is a determination of the merits of the case or any
7 aspect thereof. A decision adverse to the objector does not
8 preclude the objector from making any motion or defense which
9 he or she might otherwise have made.

10 (c) Error in ruling against the objecting party on the
11 objection is waived by the party's taking part in further
12 proceedings unless the objection is on the ground that the
13 party is not amenable to process issued by a court of this
14 State.

15 (Source: P.A. 91-145, eff. 1-1-00.)